

**ENTERED**

February 21, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISIONM.D.; bnf STUKENBERG, *et al*,

Plaintiffs,

VS.

GREG ABBOTT, *et al*,

Defendants.

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CIVIL ACTION NO. 2:11-CV-0084

**ORDER**

On February 21, 2020 the Court held a telephone hearing with the Parties. In regard to the Defendants' certification to the Court that they have provided 24-hour awake supervision to all relevant facilities as ordered by this Court, the Defendants are hereby **ORDERED** to submit to the Court, from July 31, 2019 through today, the full names of each and every DFPS employee who visited each relevant facility; the dates of these employee visits; the specific place of visits of these employees; the specific hour of the day when the employees visited; the length of each employee visit; and the full names of each and every facility staff member identified as an awake night supervisor. The Defendants shall provide and submit all of this information to the Court no later than 12:00 PM on Wednesday, February 26, 2020.

Further, due to the diligence of Court Monitor Deborah Fowler who was investigating complaints regarding Prairie Harbor Placement, the death of a 14-year old PMC child that occurred on February 9, 2020 in such placement was discovered. From an online report, it appears that

EMS was only called 38 minutes after her collapse from a pulmonary embolism. As a result of this occurrence, the Defendants are hereby **ORDERED** as follows:

1) Within 24 hours of this order's time and date, Defendants are ordered to deliver to the Monitors all copies of reports, witness statements, and investigations regarding this death.

2) Within 24 hours of this order's time and date, Defendants are ordered to report to the Monitors the death of any PMC child occurring from July 31, 2019 forward until further order of this Court. Defendants are further ordered to provide to the Monitors all records that the Monitors deem necessary and relevant including, but not limited to, reports, interviews, witness statements, and investigations from any and all said deaths that have occurred from July 31, 2019 forward until further order of this Court.

3) Defendants are ordered instantter to provide, as to Prairie Harbor Placement, any and all records involving all investigations whether opened or reported since July 31, 2019, to the Monitors until further order of this Court.

4) The Defendants are ordered to provide the Monitors with records of all hotline calls made and the wait time for each call including, but not limited to, dropped and unanswered calls. The Defendants must include the specific times of these calls to the hotline. These records are due by 12:00 PM, on Wednesday, February 26, 2020, and continuing thereafter in 24-hour increments until further order of this Court.

The order regarding hotline calls is a result of the site visit by the Monitors to an RTC named "A Fresh Start Treatment Center" occurring February 19, 2020 beginning at approximately 11:45 PM. Here, the Monitors interviewed several children who complained of restraints that included holding their arms over their heads with arms crossed causing their heads to be forced forward, which the children reported resulting in at least one child passing out. Children who

described the restraint reported that it was difficult to breathe. The Program Director confirmed this is not an approved restraint. Further, children complained of slaps and punches by the staff. One child complained about being slammed against a wall resulting in a prolonged headache. Court Monitor Kevin M. Ryan reported that during the awake-night monitoring visit it took approximately 15 minutes for someone to answer the door and allow entrance. This delay bolsters the children's reports that nighttime staff sleep, they are not awake. The Monitors report very little evidence of medical treatment other than psychotropic drugs. As a result of the Monitors' experience at this RTC, Court Monitor Deborah Fowler attempted to report abuse to the hotline but was placed on hold for 25 minutes, had to hang up and call back on her return to Austin; hence the hotline order *Supra*.


The Defendants are also hereby **ORDERED** to provide detailed information on why Children's Hope Facility located in Lubbock, TX was originally closed in 2016, why it was then re-opened in December, 2016, and closed again in December, 2019. The Defendants shall provide and submit all this information to the Monitors no later than 12:00 PM on Wednesday, February 26, 2020. Moreover, Defendants are hereby **ORDERED** to provide information on why the Hector Garza facility is still open and accepting foster children in light of the concerning child safety information the Monitors shared with the State following their inspection. The Defendants shall provide and submit all this information to Court and the Monitors no later than 12:00 PM on Wednesday, February 26, 2020.

The Court further **ORDERS** that all Monitors' bills and expenses submitted to the Court will be unsealed as soon as the Monitors have the opportunity to refile all present and prior requests

with redactions as to personal identifying information such as credit card numbers, addresses, and other personal information.

The Monitors are to present to the Court by 12:00 PM on Friday, February 28, 2020, the definitions for “Pattern” and “Heightened Monitoring” to be used by the Defendants for Remedial Order 20 and elsewhere as indicated.

SIGNED and ORDERED this 21st day of February, 2020.

  
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Janis Graham Jack  
Senior United States District Judge